

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nicholas Venduras	Team: Squad #16	CCRB Case #: 202106232	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/01/2021 9:30 PM, Friday, 10/01/2021 9:40 PM	Location of Incident: Morris Avenue and East 165th Street 44th Precinct stationhouse	18 Mo. SOL 4/1/2023	Precinct: 44		
Date/Time CV Reported Thu, 10/07/2021 11:20 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/15/2021 11:04 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Steven Ramunno	05143	930874	044 PCT
2. SGT Juan Burgos	05644	932380	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Florian Gega	10702	968432	044 PCT
2. LT Nicholas McGarry	00000	949302	049 PCT
3. PO Jonathan Cancel	02493	966491	044 PCT
4. PO Edgar Pino	08082	957270	044 PCT
5. PO Vincent Dempsey	10828	966538	044 PCT
6. PO Richard Castellano	25087	957429	FTU 7
7. PO Jeuri Paulino	11935	954220	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Juan Burgos	Off. Language: On Morris Avenue and East 165th Street in Manhattan, Sergeant Juan Burgos made remarks to § 87(2)(b) based upon the physical disability of § 87(2)(b)	
B.SGT Juan Burgos	Discourtesy: On Morris Avenue and East 165th Street in Manhattan, Sergeant Juan Burgos acted discourteously toward § 87(2)(b)	
C.SGT Juan Burgos	Discourtesy: At the 44th Precinct stationhouse, Sergeant Juan Burgos acted discourteously toward § 87(2)(b)	
D.DTS Steven Ramunno	Discourtesy: At the 44th Precinct stationhouse, Detective Steven Ramunno acted discourteously toward § 87(2)(b)	
E.DTS Steven Ramunno	Off. Language: At the 44th Precinct stationhouse, Detective Steven Ramunno made remarks to § 87(2)(b) based upon religion.	
F.DTS Steven Ramunno	Discourtesy: At the 44th Precinct stationhouse, Detective Steven Ramunno spoke discourteously to § 87(2)(b)	

## Case Summary

On October 7, 2021, § 87(2)(b) filed this complaint with IAB via telephone and it was assigned log § 87(2)(b). CCRB received this case on October 15, 2021.

On October 1, 2021, at approximately 9:30 PM, § 87(2)(b) was riding his motorcycle near the intersection of Morris Avenue and East 165<sup>th</sup> Street in the Bronx when Detective Steven Ramunno, of the 44<sup>th</sup> Precinct, pulled him over for not wearing a helmet. Sergeant Juan Burgos, Police Officer Richard Castellano, Police Officer Edgar Pino, Police Officer Florian Gega, and other officers also of the 44<sup>th</sup> Precinct were on scene. Officers subsequently arrested § 87(2)(b) for criminal possession of stolen property and not wearing a helmet (**Board Review 1**). At one point, Sgt. Burgos mocked and mimicked § 87(2)(b) stutter (**Allegation A: Offensive Language, § 87(2)(g) & Allegation B: Discourtesy, § 87(2)(g)**

When § 87(2)(b) was at the 44<sup>th</sup> Precinct stationhouse, Det. Ramunno searched § 87(2)(b) in front of the desk while Sgt. Burgos was present. During the search, officers removed § 87(2)(b) kufi and Det. Ramunno and Sgt. Burgos did not immediately return his religious headwear despite repeated requests (**Allegation C & D: Discourtesy, § 87(2)(g)**

While lodging § 87(2)(b) Det. Ramunno allegedly referred to him as a member of the Taliban (**Allegation E: Offensive Language, § 87(2)(g) & Allegation F: Discourtesy, § 87(2)(g)**

This case was originally assigned to Investigator Kee Busk and was reassigned to Investigator Nick Venduras.

The NYPD Legal Department provided ten Body-Worn Camera (BWC) videos in regards to this incident (**Board Review 2**). The NYPD Strategic Technology Division provided eight stationhouse security videos in regards to this case (**Board Review 3 - Board Review 10**).

## Findings and Recommendations

**Allegation (A) Offensive Language: On Morris Avenue and East 165<sup>th</sup> Street in Manhattan, Sergeant Juan Burgos made remarks to § 87(2)(b) based upon the physical disability of § 87(2)(b)**

**Allegation (B) Discourtesy: On Morris Avenue and East 165<sup>th</sup> Street in Manhattan, Sergeant Juan Burgos acted discourteously toward § 87(2)(b)**

**Allegation (C) Discourtesy: At the 44<sup>th</sup> Precinct stationhouse, Sergeant Juan Burgos acted discourteously toward § 87(2)(b)**

**Allegation (D) Discourtesy: At the 44<sup>th</sup> Precinct stationhouse, Detective Steven Ramunno acted discourteously toward § 87(2)(b)**

**Allegation (E) Offensive Language: At the 44<sup>th</sup> Precinct stationhouse, Detective Steven Ramunno made remarks to § 87(2)(b) based upon religion.**

**Allegation (F) Discourtesy: At the 44<sup>th</sup> Precinct stationhouse, Detective Steven Ramunno spoke discourteously to § 87(2)(b)**

§ 87(2)(b) provided a telephone statement on October 26, 2021 (**Board Review 11**). On October 1, 2021, at approximately 9:30 PM, § 87(2)(b) stopped his motorcycle at a red light at the intersection of Morris Avenue and 165<sup>th</sup> Street in the Bronx where he saw police activity to his right. Det. Ramunno came from § 87(2)(b) left, grabbed him, and told him to get off the motorcycle because he was riding without a helmet. When PO Pino ran a search based on the

motorcycle's license plate number, he saw it did not belong to § 87(2)(b) motorcycle. As a result, officers placed § 87(2)(b) under arrest.

Once handcuffed, § 87(2)(b) said he did not take his medication and was having a panic attack (**Board Review 11**). Det. Ramunno told § 87(2)(b) that he would have to be processed before he could receive medical attention. At the 44<sup>th</sup> Precinct stationhouse, § 87(2)(b) continued to ask for medical attention. Det. Ramunno and PO Castellano searched § 87(2)(b) in front of the desk and PO Castellano removed § 87(2)(b) kufi under Sgt. Burgos' supervision. After the search, § 87(2)(b) asked for his kufi back, but Det. Ramunno did not return it, which upset § 87(2)(b). In his initial statement on October 19, 2021, § 87(2)(b) acknowledged officers needed to check if he was hiding anything, but he wanted it back once the search was complete (**Board Review 12**).

Once processed, Det. Ramunno, PO Gega, and other officers moved § 87(2)(b) to the rear cells. Det. Ramunno said something to the effect of, "Get in there, you're a Taliban," or "You're a Taliban, get in there" (**Board Review 11**). § 87(2)(b) continued to ask for his kufi, estimating it was about 15 minutes before PO Gega returned it. EMTs arrived later and transported § 87(2)(b) to § 87(2)(b) Hospital in the Bronx via ambulance.

Det. Ramunno provided a statement on January 24, 2023 (**Board Review 13**). At the time of the incident, Det. Ramunno was assigned to monitor scooter conditions within the 44<sup>th</sup> Precinct, but did not elaborate what those specific conditions were. Det. Ramunno's partners had stopped an individual on a motorcycle near Morris Avenue and East 165<sup>th</sup> Street in the Bronx when he observed § 87(2)(b) riding his motorcycle without a helmet, which was a violation.

PO Pino ran the plate numbers on § 87(2)(b) motorcycle, which revealed that the plates were stolen (**Board Review 13**). At that point, Sgt. Burgos decided to arrest § 87(2)(b). Det. Ramunno described § 87(2)(b) as "orally combative," but not physically resistant, when getting inside the van to transport him to the 44<sup>th</sup> Precinct stationhouse. § 87(2)(b) asked for a doctor and Det. Ramunno said they would call an ambulance once he was processed.

Det. Ramunno could not recall who the arresting officer was or any altercations at the stationhouse but remembered he and PO Castellano were in front of the desk processing § 87(2)(b) arrest (**Board Review 13**). § 87(2)(b) did not want his kufi removed for a search and continued to be verbally combative. However, the kufi was returned to him as per procedure since religious headwear can be worn in the cells after a search. Det. Ramunno made no mention of anything dangerous or unsafe about § 87(2)(b) kufi. Det. Ramunno was unaware if such searches need to be done in private since this was the first time that he searched someone with religious headwear. Det. Ramunno did not remember calling § 87(2)(b) a member of the Taliban, nor did he recall using the term or hearing any other officers saying "Taliban."

Sgt. Burgos was interviewed at the CCRB on January 24, 2023, and provided a statement generally consistent with Det. Ramunno (**Board Review 14**).

Sgt. Burgos acknowledged he noticed § 87(2)(b) had a stutter at the arrest location, but could not recall if he ever made fun of this stutter or mimicked it (**Board Review 14**). He was unaware if any other officers ever made fun of this stutter either.

At the 44<sup>th</sup> Precinct stationhouse, Sgt. Burgos went behind the desk to enter § 87(2)(b) arrest in the command log. (**Board Review 14**). Det. Ramunno and PO Castellano searched § 87(2)(b) at the desk. Sgt. Burgos remembered § 87(2)(b) wore something on his head, but did not recall him complaining or having any discussion about it. The only reason officers removed the kufi was to

search it and Sgt. Burgos instructed officers to return it to him since it had no contraband, as is his understanding of the procedure for searching someone with religious a head covering. However, Sgt. Burgos was unaware of any rules or procedures stating searches of people with such head coverings should be done in private.

Once the search was complete, officers placed § 87(2)(b) in a cell and Sgt. Burgos remained behind the desk (**Board Review 14**). At no point did any officers refer to § 87(2)(b) as a member of the Taliban or ever use the word Taliban when speaking to § 87(2)(b). Once lodged, Sgt. Burgos instructed an unknown officer to call an ambulance as per § 87(2)(b) request. Shortly after, § 87(2)(b) started removing his clothes, at which point Sgt. Burgos instructed officers to lodge him in a different holding pen in the back away from other prisoners.

Det. Ramunno's BWC captured § 87(2)(b) arrest until he gets lodged in the first cell (**Board Review 15**). The initial stop and arrest, between 3:55 and 7:45, are generally consistent with the officers' statements.

Sgt. Burgos' first of two BWC videos shows him speaking to § 87(2)(b) once he is handcuffed (**Board Review 16**). At timestamp 8:02, after § 87(2)(b) says his motorcycle is not a Revel, Sgt. Burgos says, "Let's go" and guides him by the arm towards a marked NYPD van. At timestamp 8:04, § 87(2)(b) says with a stutter, "For what?" About five seconds later, at timestamp 8:09, § 87(2)(b) stutters on the word "That" as he speaks just before asking for a doctor. Sgt. Burgos then immediately repeats the same word ("That") multiple times and then repeats the word "Yeah" at least three times. Prior to this, between 6:12 and 8:02, § 87(2)(b) stutters at various points and continues to do so throughout the interaction.

In his interview, Sgt. Burgos watched the portion of his BWC when he says, "That," multiple times in succession at timestamp 8:09 (**Board Review 14**). He acknowledged he repeated the word, but denied it was done to mimic or mock § 87(2)(b). Sgt. Burgos does not generally stutter himself. He explained his repetition of, "That," "just came out" and his own stutter may have happened "spontaneously."

Later, once officers transport § 87(2)(b) to the stationhouse, Det. Ramunno's BWC captures his processing and lodging (**Board Review 15**). During his processing, Sgt. Burgos is behind the desk and Det. Ramunno and PO Castellano take an inventory of § 87(2)(b) money and other belongings. At timestamp 20:02, PO Castellano removes § 87(2)(b) kufi from his head and § 87(2)(b) asks for it to be returned because it is a religious headwear. This is the first time § 87(2)(b) refers to his kufi as a "religious cap" but will reiterate its religious significance throughout the rest of the footage. Det. Ramunno says that it cannot be on his head, but § 87(2)(b) argues he has a First Amendment right to wear it, likening his kufi to a Jewish yarmulke. At timestamp 20:25, § 87(2)(b) tells Det. Ramunno he will cooperate if they put his kufi back on. He asks for it again at timestamp 22:15. At timestamp 24:09, Det. Ramunno and PO Gega bring § 87(2)(b) to the rear cells, and at 24:11, § 87(2)(b) asks Sgt. Burgos for his kufi which § 87(2)(b) refers to as his "hat." While walking through a door with a glass window in it, § 87(2)(b) headbutts it and damages the already cracked glass. At no point does any officer say or do anything that would indicate the kufi is in any way dangerous or contains contraband.

At timestamp 24:09 of PO Castellano's BWC, Sgt. Burgos can be heard from behind the desk saying, "Put his hat on, put his hat on, is that going to calm him down?" (**Board Review 17**). At that point PO Castellano brings § 87(2)(b) kufi to the holding cell area.

PO Gega's BWC shows him taking § 87(2)(b) kufi from PO Castellano at timestamp 3:07

(**Board Review 18**). PO Gega then asks § 87(2)(b) for permission to return the kufi to § 87(2)(b) head, which § 87(2)(b) grants. § 87(2)(b) thanks PO Gega once his kufi is back on his head, almost five minutes after it was removed.

A second BWC by Sgt. Burgos recorded at approximately 10:38 PM shows § 87(2)(b) shirtless in another cell alone (**Board Review 19**). At timestamp 3:05, § 87(2)(b) talks about Det. Ramunno refusing to let him wear his kufi.

Patrol Guide 203-10 prohibits the use of “discourteous or disrespectful remarks regarding another person’s ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability” (**Board Review 20**).

The mission and values of the NYPD states that officers are to “maintain a higher standard of integrity that is generally expected of others” and “value human life, respect the dignity of each individual, and render our services with courtesy and civility,” NYPD Patrol Guide Procedure 200-02 (**Board Review 27**).

Although § 87(2)(b) did not allege this, BWC shows Sgt. Burgos repeating § 87(2)(b) stutter while speaking to him. Sgt. Burgos acknowledged repeating “That” in the same manner as § 87(2)(b) but denied it was done to mock him. However, Sgt. Burgos was unable to provide any other reason for repeating the word “That” other than that it was “spontaneous.” Moreover, as shown on BWC, Sgt. Burgos did not use the word “that” in any context after repeating it which further shows that it was only done to mimic § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) stated Det. Ramunno called him a member of the Taliban while placing him in a cell. Neither Sgt. Burgos nor Det. Ramunno remembered anyone using the word “Taliban” during this interaction. However, there is no video evidence capturing officers placing § 87(2)(b) into the second cell. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Patrol Guide 208-83 provides guidance when an arrested individual is wearing a religious head covering (**Board Review 21**). When consistent with personal safety, officers must take all possible steps to respect a prisoner’s privacy, rights, and religious beliefs when it comes to removing religious head coverings including, but not limited to, yarmulkes, wigs, habits, turbans, kufis, headscarves, hijabs, burqas, etc. Officers are also to inform the prisoner wearing such religious head coverings that it must be temporarily removed and searched, advising the removal and search will be conducted in private by an officer of the same gender. Such religious head coverings are to be returned to the civilian unless there is an articulable reason it is likely dangerous and to be used to harm himself or others. The desk officer may also determine to retain the head covering when consistent with personal safety and the safety of the prisoner.

As BWC shows, § 87(2)(b) was searched at the front desk, where his kufi was removed. This search was not done in private as per the Patrol Guide. Additionally, § 87(2)(b) stated loudly and repeatedly at the desk that his head covering was worn for religious purposes and demanded for it to be returned. As outlined in the Patrol Guide, § 87(2)(b) kufi is recognized as a religious head covering and § 87(2)(b) refers to it as a kufi and religious head covering throughout the incident. Because none of the officers cite any reasons why it cannot be returned to § 87(2)(b) the investigation determined by a preponderance of the evidence that returning his kufi would not be a

threat to the officers' or § 87(2)(b) safety. Sgt. Burgos does not reference the Patrol Guide or respect for § 87(2)(b) religious beliefs when he instructs officers to return the kufi after § 87(2)(b) repeatedly requests for it back over a span of five minutes, but does so to "calm him down," after the officers take him to the holding cell area. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (**Board Review 22**).
- Sergeant Juan Burgos has been a member of service for 19 years and has been the subject in 12 other CCRB complaints and 22 other allegations, of which one was substantiated. § 87(2)(g)
- 201900746 involved one substantiated allegation of discourtesy – word against Sgt. Burgos. The Board recommended Command Discipline - A and the NYPD imposed Command Discipline - A.
- Detective Steven Ramunno has been a member of service for 19 years and has been the subject in 31 other CCRB complaints and 61 other allegations, four of which were substantiated. § 87(2)(g)
- 201607043 involved a substantiated allegation of abuse - question against Det. Ramunno. The Board recommended Command Discipline - A and the NYPD imposed Formalized Training.
- 201805543 involved a substantiated allegation of discourtesy – word against Det. Ramunno. The Board recommended Formalized Training and the NYPD imposed Instructions.
- 202001332 involved a substantiated allegation of abuse – failure to provide RKTA card. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
- § 87(2)(g)

### Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- On January 31, 2023, a Notice of Claim inquiry was sent to the NYC Office of the Comptroller (**Board Review 25**). The results will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 16

Investigator: Nick Venduras  
Signature

Inv. Nicholas Venduras  
Print Title & Name

2/06/2023  
Date

Squad Leader:	<u>Patrick Yu</u>	<u>IM Patrick Yu</u>	<u>02/06/2023</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date